

SENATE BILL 3178

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 56, Chapter 53 and Title 71, Chapter 5, relative to health insurance fraud.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated 56-53-101, is amended by deleting division (1) in its entirety and by redesignating all remaining subsections accordingly.

SECTION 2. Tennessee Code Annotated, Section 56-53-110, is amended by deleting the present language in its entirety and by substituting instead the following language:

(a) Any person furnishing, disclosing, using or requesting information pursuant to § 56-53-109 shall not be subject to and is immune from civil liability for libel, slander, malicious prosecution or any other cause of action arising from the furnishing, disclosing, using or requesting of such information. Such immunity shall be conclusively established if:

(1) The person is requested in writing by any state or federal official to provide any information pursuant to § 56-53-109;

(2) The person is required to provide such information pursuant to contract with any governmental entity or other applicable statute; or

(3) Any federal or state official commences a criminal or civil action based upon receiving information in accordance with subdivisions (1) or (2) above including when the person is the direct or indirect source of the information received.

(b) Any person or entity against whom any action is commenced and who is ultimately found to be immune from liability under this section shall be entitled to recover reasonable attorneys' fees and costs from the person or party that commenced the

action. This section is in addition to and does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person or entity.

(c) Should any state court, administrative law judge, or arbitrator deny a person's or entity's request to dismiss a cause of action based upon immunity under this statute, then that person or entity shall be entitled to an immediate appeal as a matter of right to the Tennessee court of appeals. The proceeding from which the appeal is taken shall be immediately stayed pending the resolution of the appeal by the Tennessee court of appeals.

SECTION 3. Tennessee Code Annotated Section 71-5-2603(c), is amended by deleting the present language in its entirety and by substituting instead the following language:

(C) Any person or entity making a complaint or furnishing a report, information or records pursuant this section is immune from civil liability for making such complaint or report.

SECTION 4. Tennessee Code Annotated Section 71-5-2603, is further amended by adding the following language as new subsection (e):

(e) Any person or entity against whom any action is brought that is found to be immune from liability under this section shall be entitled to recover reasonable attorney's fees and costs from the person or party that commenced the action. If any state court, administrative law judge, or arbitrator denies a person's or entity's request to dismiss a cause of action based upon the immunity conferred by this section, the person or entity shall be entitled to an immediate appeal as a matter of right to the Tennessee court of appeals. The proceeding from which the appeal is taken shall be stayed until the Tennessee court of appeals has resolved this appeal. This section is in addition to and

does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any individual or entity.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.